

TOBACCO CONTROL BOARD MEETING MINUTES

APRIL 1, 2004

The Tobacco Control Board met on Thursday, April 1, 2004, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 5 - board members present - Mr. John Hauge, Dr. Cliff Johnson, Mr. Ken Milburn, Jr., Mr. Vince Macy, and Mr. Ron Rivers, and 3 - board members absent - Dr. J. Neal Beaton, Mr. Mark Carter and Mr. Gene McKissic.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced Mr. Jim De Priest, serving as Hearing Officer, and Lydia Williams, as Court Reporter. Mr. Milburn continued the meeting by asking for approval of the February 5, 2004, March 4, 2004 board meeting minutes, and the March 23, 2004, Rules and Regulation Committee meeting minutes. A motion was made and approved to that effect with 5 - Yes votes and 3 - Members absent.

Mr. Charlie Davis, the Director, continued by presenting the "New Retail Permit Report" to the Board. He asked for a blanket approval of the "New Retail Permit Applications issued from February 5, 2004, through March 31, 2004". A motion was made and approved to accept the "New Retail Permit applications issued from February 5, 2004, through March 31, 2004, with 5- Yes votes and 3 - Members absent.

The Director then presented a wholesale permit application as follows:

European Cigarette Imports, Inc. dba Paramount Wholesale
Randolph, New Jersey

1 - Wholesale Cigarette Permit

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The Director recommended the application for approval, as the application was complete.

A motion was made to approve the wholesale application for European Cigarette Imports, Inc. dba Paramount Wholesale with 5 – Yes votes and 3 – Members absent.

Next Mr. Davis reviewed and asked for a blanket approval of the “Offers of Settlement accepted by the permittee from February 5, 2004, through March 31, 2004”. A motion was made and approved to accept the “Offers of Settlement accepted by the Permittee from February 5, 2004, through March 31, 2004”, as recommended by the Director, with 5 – Yes votes and 3- Members absent.

Mr. Milburn then called on Mr. De Priest to continue with the Disciplinary Hearings coming before the Board. He called the following cases before the Board for consideration:

Mr. Roland Darrow, Attorney for the Board’s Sales to Minors Division, presented a “Default Judgment List” dated April 1, 2004. After a roll call of the list and no response, a motion was made to approve the “Default Judgment List” and levy fines, as proposed, except issue maximum fines on Sales to Minors cases with 5 – Yes votes and 3 – Members absent.

CASE #2004-0809

J & L Grocery

Russellville, Arkansas

Jason and Larry Shaddon, Permittees

**VIOLATION: Sale to Minor – 2nd Offense, §5-27-227(a)(1) \$200
fine and 1-day Suspension of Permit.**

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The store location was represented by Mr. Jason Shaddon, co-owner.

After hearing testimony and board member discussion, a motion was made and approved to find J & L Grocery in violation of §5-27-227(a) (1) and fine them \$200.00 with a 1-day suspension of permit with 5 – Yes votes and 3 – Members absent.

CASE #2004-0830

**Prescott Shell Superstop
Karen Taylor, Permittee**

Prescott, Arkansas

**VIOLATION: Sale to Minor, 2nd Offense, §5-27-227(a)(1) \$200
fine and 1-Day Suspension of Permit**

The store location was represented by Mr. Matt Burnside, Store Manager.

After hearing testimony and consideration by the Board a motion was made and approved to find Prescott Shell Superstop in violation of §5-27-227(a) (1), access a 1-day suspension of permit and \$200.00 fine with 5 – Yes votes and 3 – Members absent.

This concluded the Disciplinary Hearing segment of the meeting.

The Chairman asked the Director to continue with his “Address to the Board”. He reviewed the February 2004 and March 2004 Complaint Reports.

He reported that the agency had recently received the “Delinquent Account List” from Sales Tax for this year and the number of delinquent permitted cigarette and tobacco accounts continues to decrease.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to review the activity of the enforcement agents.

Mr. Sled also reported he and the Director would be attending a seminar in Baton Rouge, Louisiana, to gain information about a “Responsible Vendor Program”, which has proven to be very successful not only in Louisiana but other states also.

Mr. Arnie Jochums, Attorney for the Board, gave a “Court Update”.

Mr. Milburn then opened the floor to “Board Member Discussion”.

Next on the agenda was an “Open Forum for Comments from the Audience”. Mr. Tommy Robinson appeared before the Board requesting the Board’s decision regarding Case #2004-0473 on November 20, 2003, be reconsidered.

After hearing Mr. Robinson’s comments and discussion, a motion was made to find the Board acted in a very proper and legal way and uphold the findings of the Board. There were 3 – Yes votes, 2 – Abstentions, and 3 – Members absent. The motion failed.

After continued discussion, the Board members were in agreement that no further action by the Board was needed regarding this matter.

Announcements included the next meeting date of May 6, 2004.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by _____
Janis L. Campbell

April 21, 2004